

PERSISTENT FELONY OFFENDER LAW

Kentucky's Persistent Felony Offender (PFO) law tips the scales of justice against the people. The PFO law empowers prosecutors to enhance a sentence – or threaten to enhance a sentence – if the accused person has been convicted of any felony offense and has completed their sentence within the past five years or is on probation or parole.

TIPPING THE SCALES OF JUSTICE:

The PFO law tips the scales of justice against the people and in favor of the state.

UNFAIR SENTENCING:

PFO laws give prosecutors immense power to leverage plea agreements that are unfavorable to the accused and overly harsh in response to the alleged offense.

94% of state criminal cases are obtained through plea bargaining. PFO laws push people to enter unfair pleas.

BYPASSING THE JURY:

PFO laws deprive the jury and community of their function to determine guilt and appropriate sentencing.

FUELING MASS INCARCERATION:

PFO laws increase the number of incarcerated people which separates Kentucky families, forces people to live and work in dangerous conditions, and wastes limited tax dollars.

IGNORING THE REAL ISSUES:

The mandatory minimums in PFO laws do not provide an opportunity to meet an individual's needs, such as accessing treatment for mental illness or substance use disorder, to truly rehabilitate people and make Kentucky communities safer, stronger, and healthier.

“One of the worst excesses of Kentucky's tough-on-crime movement is a repeat offender statute...**the persistent felony offender (PFO) law clearly heads the list of tough-on-crime measures that have filled prisons and jails beyond capacity, pushed the state's corrections budget off the charts, and changed the balance of power over punishment in ways that threaten the basic fairness of the justice system.**”

– Robert G. Lawson, original drafter of Kentucky's penal code and University of Kentucky College of Law professor.



ACLU-KY staff and Smart Justice Advocates joined Savvy Shabazz to submit his application for a pardon, winter 2020.



ACLU Kentucky